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Date of Deposit: March 3/, 2004

Attorney Docket No.: 15270J-004733US

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Mail Stop Patent Application Commissioner for Patents

P.O. Box 1450

Alexandria, VA 223/13-1450

Bv:

In re application of:

SCHENK, Dale B.

Application No.: To be assigned

Filed: Herewith

For: PREVENTION AND TREATMENT

OF AMYLOIDOGENIC DISEASE

Customer No.: 20350

Examiner: Unassigned

Technology Center/Art Unit: Unassigned

**Mail Stop Patent Application** 

Commissioner for Patents P.O. Box 1450

Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.97 and §1.98

Sir:

The references cited on the attached PTO/SB/08A and PTO/SB/08B forms are being called to the attention of the Examiner. In accordance with 37 CFR §1.98(d), copies of the references can be found in Application No. 09/201,430, filed November 30, 1998 (Attorney Docket No. 15270J-004720US), with the exception of reference numbers 407-435, copies of which are attached. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

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The attached PTO/SB/08B form cites "'Grant Application; Raso, Immunology of Alzheimer's Disease', 1/1998," as cite no. 304. Cite no 304 was cited by the Examiner in Application No. 09/579,690. Application No. 09/579,690 is a commonly owned copending application directed to subject matter related to the instant application. Applicant believes "1/1998" is not the publication date as alleged by the Examiner, but refers to the grant funding cycle. Applicants' further believe the date of public accessibility, if any, is unknown. Applicant wishes to bring to the Examiner's attention that a copy of a grant application believed to have been submitted by Victor Raso for NIH Grant 1 R43 AGI 5746-01 on August 29, 1997 is cited in the attached PTO/SB/08B form as Cite 144. Cite no. 144 is a redacted version of cite no. 304. Applicant obtained cite no. 144 under the Freedom of Information Act (FOIA). It is believed that the grant proposal would not have been accessible under FOIA before April 2, 1998, but the exact date of public accessibility, if any, is not known to Applicant.

The Assignee of the instant application is a licensee of U.S. Patent No. 5,688,651, which is directed in part to subject matter related to the instant application. U.S. Patent No. 5,688,651 is now undergoing examination reissue as Application No. 09/441,140. U.S. Patent No. 5,688,651 and U.S. Application No. 09/441,140 are submitted herewith as Cite Nos. 16 and 283, respectively.

Applicant also cites commonly owned copending applications directed to related subject matter:

09/201,430 filed 11/30/98;

09/497,553 filed 02/03/00;

09/724,477 filed 11/28/00;

09/723,927 filed 11/28/00; 09/724,762 filed 11/28/00;

09/724,102 filed 11/28/00;

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Application No.: Unassigned

Atty. Docket No. 15270J-004733US

Page 3

09/322,289 filed 05/28/99;

09/723,713 filed 11/27/00;

09/723,760 filed 11/27/00;

09/724,319 filed 11/27/00;

09/723,384 filed 11/27/00;

09/724,495 filed 11/27/00;

10/429,216 filed 05/30/03;

09/580,015 filed 05/26/00;

09/724,940 filed 11/28/00;

09/724,961 filed 11/28/00;

09/580,018 filed 05/26/00;

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09/724,929 filed 11/28/00;

09/585,817 filed 06/01/00;

09/724,567 filed 11/28/00;

09/724,575 filed 11/28/00;

09/724,953 filed 11/28/00;

09/724,570 filed 11/28/00;

09/585,656 filed 06/01/00;

09/723,766 filed 11/27/00;

09/723,725 filed 11/27/00;

09/579,690 filed 05/26/00;

Application No.: Unassigned

Atty. Docket No. 15270J-004733US

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09/979,701 filed 03/13/01 (U.S. National Stage of PCT/US00/14810 filed 05/26/00); 09/979,952 filed 04/04/02 (U.S. National Stage of PCT/US00/15239 filed 06/01/00);

and,

09/980,568 filed 03/12/02 (U.S. National Stage of PCT/US00/15302 filed 06/01/00).

Applicant also cites the following copending applications directed to related subject matter but subject to different assignment:

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10/010,942 filed 12/06/01;
10/232,030 filed 08/30/02;
10/388,389 filed 03/12/03;
60/444,150 filed 02/01/03;
10/388,214 filed 03/12/03; and,
60/474,654 filed 05/30/03.
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Applicant further cites the following commonly owned abandoned applications directed to related subject matter:

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60/067,740 filed 12/02/97;
60/080,970 filed 04/07/98;
60/067,219 filed 12/03/97;
60/079,697 filed 03/27/98;
09/724,921 filed 11/28/00;
60/137,010 filed 06/01/99;
60/137,047 filed 06/01/99; and,
60/136,655 filed 05/28/99.
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Applicant also cites the following abandoned application directed to related subject matter but subject to different assignment:

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60/251,892 filed 12/06/00; and, 60/363,751 filed 03/12/02.
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Application No.: Unassigned

Atty. Docket No. 15270J-004733US

Page 5

Applicant points out that the following applications are now commonly assigned but were previously subject to different assignment than the present application:

60/067,219 filed 12/03/97;

60/079,697 filed 03/27/98;

09/204,838 filed 12/03/98;

09/724,921 filed 11/28/00; and,

09/724,929 filed 11/28/00.

As provided for by 37 CFR 1.97(g) and (h), no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information, and no inference should be made that the information and references cited are, or are considered to be material to patentability because they are in this statement. No inference should be made that the information and references cited are prior art merely because they are in this statement.

Applicant believes that <u>no fee is required</u> for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

Rosemarie I

Reg. No. 42,397

TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, Eighth Floor San Francisco, California 94111-3834

Tel: 650-326-2400 Fax: 650-326-2422

RLC:crf 60173325 v1

PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitu	ite for form 1449A/PTO			Complete if Known	
			Application Number		
INFO	ORMATION [	DISCLOSURE	Filing Date	Herewith	
STA	TEMENT BY	APPLICANT	First Named Inventor	Schenk	
			Art Unit		
	(use as many shee	ts as necessary)	Examiner Name		
Sheet	1	of 25	Attorney Docket Number	15270J-004733US	

		T	U.S. PATENT DO	OOMENT	<u> </u>	
Examiner	Cite No.1	Number Kind Code <sup>2</sup> (if known)	Publication Dat	te A	Name of Patentee or opplicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	415	2003/0166558 A1	09-04-2003		Frangione et al.	· · · · · · · · · · · · · · · · · · ·
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	432	6,562,341 B2	05-13-2003		Prusiner et al.	
	360	2003/0073655 A1	04-17-2003		Chain	
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	362	2002/0094335 A1	07-18-2002		Chalifour et al.	
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-	417	5,985,242	11-16-1999		Findeis et al.	
Examiner Signature				Date Considered	d	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



<sup>&</sup>lt;sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at <a href="www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

on unless it contains a valid OMB control number.

Substitute	e for form 1449A/PTO		Complete if Known		
			Application Number		
INFC	RMATION I	DISCLOSURE	Filing Date	Herewith	
STA	TEMENT BY	APPLICANT	First Named Inventor	Schenk	
			Art Unit		
	(use as many shee	ts as necessary)	Examiner Name	•	
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<sup>&</sup>lt;sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at <a href="www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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## Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 3 of 25 Complete if Known Application Number Filing Date Herewith First Named Inventor Schenk Art Unit Examiner Name 15270J-004733US

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31	5,192,753	03-09-1993	McGeer et al.	
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	Cite	Fo	oreign Patent Doo	ument	Publication	Name of Patentee or	Pages, Columns, Lines,					
Examiner Initials*	No.1	Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>s</sup> (if known)	Date MM-DD- YYYY	Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	T⁰				
	343	EP	1 172 378	A1	01-16-2002							

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Examiner Signature		Date Considered	

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<sup>&</sup>lt;sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at <a href="www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

PTO/SB/08A (10-01)\_

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					Art Unit		
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_	Sheet	4	of	25	Attorney Docket Number	15270J-004733US	

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Examiner Signature	Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



<sup>&</sup>lt;sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at <a href="www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE d to respond to a collection of information unless it contains a valid OMB control number.

Subs	stitute for form 1449A/PTC	)		Complete if Known			
				Application Number			
IN	<b>FORMATION</b>	DISC	CLOSURE	Filing Date	Herewith		
ST	<b>TATEMENT B</b>	Y AP	PLICANT	First Named Inventor	Schenk		
				Art Unit			
	(use as many she	ets as r	necessary)	Examiner Name			
Shee	et 5	of	25	Attorney Docket Number	15270J-004733US		

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